

**JUDGE SWAIN**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

DANIEL MCCARTHY,  
a/k/a "Daniel Amaty,"  
a/k/a "David McCarthy,"

Defendant.

INDICTMENT  
**07 CRIM. 854**

*Swain, J.*

COUNT ONE

The Grand Jury charges:

1. From in or about 2003, up to and including in or about January 2006, in the Southern District of New York and elsewhere, DANIEL MCCARTHY, a/k/a "Daniel Amaty," a/k/a "David McCarthy," the defendant, unlawfully, willfully, and knowingly, and with intent to defraud, in an offense affecting interstate commerce, did use one and more unauthorized access devices during a one-year period, and by such conduct did obtain things of value, the aggregate value of which is equal to and greater than \$1,000, to wit, MCCARTHY, without authorization, opened up credit cards and other charge accounts in the name of another person, and used those accounts to fraudulently purchase goods and services.

(Title 18, United States Code, Sections 1029(a)(2), (b)(1).)

COUNT TWO

The Grand Jury further charges:

2. From in or about 2003, up to and including in or about January 2006, in the Southern District of New York and elsewhere, DANIEL MCCARTHY, a/k/a "Daniel Amaty," a/k/a "David McCarthy," the defendant, unlawfully, willfully and knowingly, did possess and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, MCCARTHY used the name and social security number of another individual to obtain credit card and charge account numbers that were used to commit access device fraud as charged in Count One of this Indictment.

(Title 18, United States Code Sections 1028A & 2.)

FORFEITURE ALLEGATION  
AS TO COUNTS ONE AND TWO

3. As a result of committing the offenses alleged in Counts One and Two of this Indictment, DANIEL MCCARTHY, a/k/a "Daniel Amaty," a/k/a "David McCarthy," the defendant, shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, constituting or derived from proceeds obtained directly or indirectly as a result of the credit card fraud and aggravated identity theft offenses.

Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

(1) cannot be located upon the exercise of due diligence;

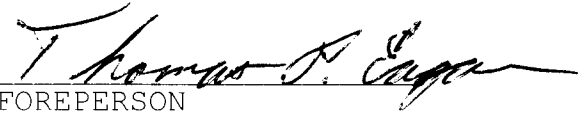
(2) has been transferred or sold to, or deposited with, a third person;

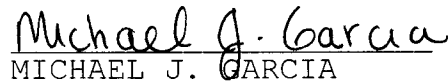
(3) has been placed beyond the jurisdiction of the Court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to 18 U.S.C. § 982(b) and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981,  
Title 28, United States Code, Section 2461, and  
Title 18, United States Code, Sections 1028A & 1029.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

DANIEL MCCARTHY

Defendant.

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INDICTMENT

07 Cr.

(18 U.S.C. § 1029(a)(2), and  
18 U.S.C. § 1028A)

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MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

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*Thomas P. Egan*  
Foreperson.

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RC  
9/10/07

Indictment filed, case assigned to Judge  
Swain, arrest warrant issued.

J. Maas, USMT